

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-FLINT**

IN RE: Danny J. Subject

Chapter 13  
CASE NO.: 13-32948  
Honorable Daniel Opperman

Debtor

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**TRUSTEE'S OBJECTION TO THE FIRST APPLICATION FOR AWARD AND  
APPROVAL OF PAYMENT OF POST-CONFIRMATION ATTORNEY FEES AS AN  
ADMINISTRATIVE EXPENSE THROUGH CHAPTER 13 PLAN PURSUANT TO  
L.B.R. 9014-1 (E.D.M.) AND L.B.R. 2016-1 FROM JULY 1, 2014 THROUGH OCTOBER  
14, 2014**

**NOW COMES** the Chapter 13 Standing Trustee in this matter, and brings his objections to the application for compensation for services rendered as follows:

1. The Debtor's Chapter 13 case was confirmed on June 18, 2014.
2. The Debtor's attorney filed a pre-confirmation application for fee on June 30, 2014. (Doc 83)
3. The Debtor's Attorney filed an application for post confirmation Fees on October 24, 2014.
4. The fee application at hand is for a total of \$550.00.
5. 11 U.S.C. § 331 - Interim compensation: A trustee, an examiner, a debtor's attorney, or any professional person employed under section 327 or 1103 of this title may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 330 of this title.
6. The Trustee calculates that 116 days have passed between the Debtor Attorney's fee applications. Debtor's counsel was not eligible to file an additional fee application until October 28, 2014.
7. The Trustee objects to the following entries:
  - a. 8/11/14 Review email from client RE TWB 0.1, \$25; The Trustee objects to this entry as the Debtor's attorney's hourly rate is \$200 and the attorney billed 0.1 hours for this entry but charged \$25. The Trustee asks that this entry be reduced to a total of \$20.00.
  - b. 8/13/14 Email to client RE Talmer West Bank 0.1 \$25.00; The Trustee objects to this entry as the Debtor's attorney's hourly rate is \$200 and the attorney billed 0.1 hours for this entry but charged \$25. The Trustee asks that this entry be reduced to a total of \$20.00.
  - c. 8/15/14 Email from TWB RE credit reporting 0.1; The Trustee objects to the entry as the tasks performed have no benefit to the bankruptcy estate.

- d. 8/21/14 Email from TWB RE spouse's credit reporting 0.1; The Trustee objects to the entry as the tasks performed have no benefit to the bankruptcy estate.
  - e. 8/25/14 Email to client RE Credit Reporting 0.3; The Trustee objects to the entry as the tasks performed have no benefit to the bankruptcy estate.
  - f. 9/3/14 Email from Client RE Credit Report update 0.1; The Trustee objects to the entry as the tasks performed have no benefit to the bankruptcy estate.
  - g. 9/16/14 Email exchange with Client RE credit reports 0.2; The Trustee objects to the entry as the tasks performed have no benefit to the bankruptcy estate.
8. 10/14/14 CH 13 –Fee Application FLAT FEE \$100.00; The Trustee objects to the sum sought for preparation of the fee application to the extent that this amount exceeds the 5% of the net amount of fees awarded. See *In re Bass*, 227 B.R. 103 (Bankr. E.D. Mi., 1998); *Coulter v. State of Tennessee*, 805 F.2d 146 (6<sup>th</sup> Cir., 1986); *In re Atwell*, 148 B.R. 483 (Bankr. W.D.Ky. 1993).

**WHEREFORE**, the Chapter 13 Standing Trustee prays that this Honorable Court deny the fee application at hand.

Dated: November 13, 2014

/s/ Carl L. Bekofske  
Carl L. Bekfoske  
Chapter 13 Standing Trustee  
400 N. Saginaw St. Ste 331  
Flint MI 48502  
(810) 238-4675  
[ecf@flint13.com](mailto:ecf@flint13.com)  
P10645

**UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2014, I electronically filed The Trustee's Objection to the application for compensation with the Clerk of the Court using ECF system; which will send notification to the following:

**Erik C. Stein**

[erik@aronofflinnell.com](mailto:erik@aronofflinnell.com)

**John Benedict Swift, II**

[jswift@linnellfirm.com](mailto:jswift@linnellfirm.com)

The following parties were served via First Class Mail at the address below by depositing same in a United States Postal Box with the lawful amount of posting affixed thereto:

**Danny J Subjeck**

5854 Cider Mill Dr  
Fenton, MI 48430

/s/ Sherry Beasinger

Sherry Beasinger  
Office of Chapter 13 Standing Trustee  
400 N. Saginaw St. 331  
Flint, MI 48502  
(810) 238-4675  
[ecf@flint13.com](mailto:ecf@flint13.com)